UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

State of Oklahoma, Plaintiff, v. Tyson Foods, Inc., et al., Defendants.	05-CV-0329 GKF-PJC **DEFENDANTS' RESPONSE TO "STATE OF OKLAHOMA'S BENCH BRIEF REGARDING THE PERMISSIBLE SCOPE OF AN EXPERT WITNESS'S TRIAL TETSTIMONY VIS-À-VIS THE EXPERT'S WRITTEN REPORT" (DKT. NO. 2705)**

Plaintiff recently filed a "bench brief" purporting to outline for this Court the permissible scope of an expert witness' trial testimony. (Dkt. No. 2705.) Defendants oppose the State's brief because it seeks sub silentio reconsideration of this Court's careful and repeated rulings precluding new expert analyses and opinions disclosed after the deadlines set by the Court. This Court should maintain the course it has followed for the last year by limiting the State's experts' trial testimony to the opinions and fair inferences drawn from their timely Rule 26 disclosures, as contemplated by Tenth Circuit precedent.

A. The State's "Bench Brief" Is Effectively an Improper Motion for Reconsideration of the Court's Rulings on the Scope of Allowable Expert Trial Testimony.

As has been its practice, the State's current submission asks the Court to reverse its numerous pretrial Orders and trial rulings delineating "the permissible scope of an expert witness's trial testimony vis-a-vis the expert's written report." [1] (Dkt. No. 2705.) This time, the State fails even to acknowledge that it seeks reconsideration of the Court's prior decisions, and makes no attempt whatsoever to meet the Tenth Circuit's high demands for such

[1] See, e.g., Defs.' Resp. to Pl.'s Mot. for Reconsideration of Court's Sept. 4, 2009 Order at 2-4, discussing the State's disruptive practice of serial motions for reconsideration. (Dkt. No. 2675.)

reconsideration.[2] Compare Dkt. No. 2704 with, e.g., Servants of Paraclete v. Doe, 204 F.3d 1005, 1012 (10th Cir. 2000). The State cannot now – in the middle of trial – properly ask the Court to change the entire framework for determining the scope of allowable expert testimony simply because the State does not like the fact that the framework limits the State to those disclosures fairly found in its experts' reports.

The Court's prior rulings are repeated and unambiguous. For instance, before trial began, this Court held:

- Rule 26(a)(2)(B)(i) imposes a requirement that the expert disclose in a written report 'a complete statement of *all* opinions the witness will express and the basis and reasons for them.'

(July 24, 2009 Order at 8: Dkt. No. 2379 (emphasis in original) (granting in large part Defendants' Motion to Strike Plaintiffs' New and Undisclosed Expert Opinions, Dkt. No. 2241).)

- **Rule 26(e) does not cover failures of omission because the expert did an inadequate or incomplete preparation.** To construe supplementation to apply whenever a party wants to bolster or submit additional expert opinions would wreak havoc in docket control and amount to unlimited expert preparation. **Rule 26(e) does not give license to sandbag one's opponent with claims and issues which should have been included in the expert witness' report.**

(Id. at 4-5: Dkt. No. 2379 (emphasis added, citations and internal quotations omitted, corrected as indicated in original).)

- At trial, it is properly within the discretion of the trial judge to limit rebuttal testimony to that which is precisely directed to rebutting new matter or theories presented by the defendant's case-in-chief.[1]

  Fn 1: Upon reflection, this general rule may be unlikely to have any application whatsoever in the context of expert testimony at the trial of this case. **The opinions and theories of … experts will have been fully revealed to [the opposing party] through expert reports.** It is unlikely that any attempt by … experts to opine as to some as yet unrevealed theory or opinion will be permitted.

[2] It is particularly troubling that the State believes that the Tenth Circuit's standards for reconsideration should not apply to any of the State's complaints about this Court's in limine rulings. (See Dkt. No. 2623 at 2-3.)

(Apr. 17, 2009 Order at 1-2 & fn.1: Dkt. No. 1989 (emphasis added, citations omitted); see also July 24, 2009 Order at 3: Dkt. No. 2379 (quoting this portion of the Apr. 17, 2009 Order).)

> ▪ As the magistrate judge noted in his Opinion and Order of October 28, 2008, 'the right to supplement under Rule 26(e) is not without limits.' …. '**A supplemental expert report that *states additional opinions or rationales* or seeks to 'strengthen' or 'deepen' opinions expressed in the original expert report exceeds the bounds of permissible supplementation and is subject to exclusion** under Rule 37(c)(1).'

(Jan. 29, 2009 Order at 2: Dkt. No. 1839 (emphasis added, quoting in part Palmer v. Asarco, Inc., 2007 WL 2254343, at *3 (N.D. Okla. Aug. 3, 2007); see also July 24, 2009 Order at 3, 4: Dkt. No. 2379 (quoting this portion of the Jan. 29, 2009 Order).)

> ▪ [T]his Court concludes that the [State's] motion to permit rebuttal expert reports should be denied. To alter the course previously plotted by the scheduling orders entered by the magistrate judge and permit rebuttal expert reports (and, presumably, sur-rebuttal expert reports) at this late date would unduly increase the cost of this litigation and delay its ultimate resolution.

(Jan. 29, 2009 Order at 2: Dkt. No. 1842 ; see also July 24, 2009 Order at 2: Dkt. No. 2379 (quoting this portion of the Jan. 29, 2009 Order).)

As summarized by Order of July 24, 2009, "the Court has previously instructed the parties that (1) supplemental reports aimed at strengthening or deepening previous expert reports rather than providing corrections or completions will not be permitted and (2) written rebuttal testimony will not be permitted and (3) rebuttal testimony will be allowed at trial, but only to the extent it constitutes actual rebuttal." (Dkt. No. 2379 at 3.) The Court further explained that because declarations used on summary judgment must set out admissible evidence, absent a showing by the State that "any prior undisclosed opinions set forth in a declaration submitted to support or oppose summary judgment is inadmissible, absent a showing the nondisclosure was justified or harmless under Rule 37(c)(1)." (Id. at 7-8.) The Court used the same "justified or harmless" test for analyzing nondisclosures submitted in connection with Daubert briefing. (Id.

at 7.) Applying these rules, this Court excluded nearly all of the affidavits and declarations of experts that the State submitted on summary judgment and Daubert motions. (See generally, id.) In fact, although the Court expressly stopped short of finding that the State had acted in bad faith, it did find that the State's "filing of these 'bolstering' declaration directly contravenes the court's previous orders." (Id. at 9; see also id. at 12.)

During trial, the Court has adhered to this framework and has consistently barred the State's experts from offering testimony beyond the scope of their reports. For instance, this Court has precluded the State's expert Dr. Berton Fisher from offering testimony at trial that exceeds the fair bounds of his disclosed expert report:

> THE COURT: Well, his years of investigation don't qualify him as a general expert in the poultry industry. **They have to be disclosed in the opinion. Are they in the opinion here?**
>
> Q. (By Mr. Page) Dr. Fisher, do you recall whether or not you talked about the mortality rates in the opinion?
>
> MR. PAGE: I'll look also, Your Honor. Your Honor, I can't find a specific reference to mortality rates in his report.
>
> THE COURT: He's a geologist. The objection is sustained.

(Oct. 13, 2009 Trial Tr. Vol. XVI at 1852:2-12 (emphasis added); accord, e.g., Oct. 14, 2009 Trial Tr. Vol. XVIII at 2059:10-13: "The last statement goes beyond the opinion reflected in paragraph 25. The objection's sustained.")

> MR. GEORGE: Objection, Your Honor. We're getting now into new analysis presented for the first time by the witness on the stand. None of this information regarding identifying drainage locations on particular properties has been disclosed in this expert's report. The defendants have not had an opportunity to see that analysis and to take a deposition on it and, therefore, we object.
>
> MR. PAGE: Your Honor, this was part of Dr. Fisher's – part of his topography. He used an analysis to identify where edge-of-field samples can be taken. He used not only the lay of the land as he observed it, but he used this USGS-type data information. This is part of what a expert of Dr. Fisher's type uses. I'm just trying to explain to the Court how he does that.
>
> THE COURT: Sure. **But did he do that in his expert report? The question is, is he going beyond what his expert report identified.**

(Oct. 13, 2009 Trial Tr. Vol. XVI 1768:19 – 1769:12 (emphasis added).)

> MR. MCDANIEL: …. Now, granted, the Sharpley study may have discussed the topic that Dr. Fisher wants to discuss, but the topic itself is not discussed [in his expert report].
>
> THE COURT: Yeah. Sustained. Footnote No. 76 is a very brief reference to this report, and, in fact, the reference doesn't talk about aggregation of phosphorus in the soil. It says, "overcoming the challenges of phosphorus-based management in poultry-farming," which granted, the substance of that report may well be that which Dr. Fisher is referring to. But simply by referencing on footnote 76 on page 28 of the report **doesn't bring it fairly within the scope of Dr. Fisher's expert report.**

(Oct. 13, 2009 Trial Tr. Vol. XV at 1709:21 – 1710:9 (emphasis added).)

> MR. EHRICH: Lack of foundation. It's newly disclosed opinion. What's happening here is counsel is putting up a series of photographs from discrete sites and asking his opinion to repeat his general causation opinions which, you know, shade into these site-specific opinions which aren't disclosed. **If he had an opinion about this location and the last location, it should have been in the report.**
>
> THE COURT: **Agreed.** He's testified as to what generally happens, so to that extent it's asked and answered. To the extent that he disclaimed any site-specific opinions previously, he can't get into them now. The objection is sustained as to site-specific.

(Oct. 13, 2009 Trial Tr. Vol. XVI at 1858:25 – 1859:12 (emphasis added).)

In sum, the State has provided no reason for this Court to deviate from its earlier analyses or to modify its prior rulings. On that basis alone, the Court should disregard the arguments asserted in Plaintiff's bench brief asserting that the Court should employ a different and far more lenient inquiry than is the law-of-the-case here. If the Court were to accept the State's invitation, that would put into question the continued validity of this Court's numerous rulings excluding the State's experts' testimony that exceeded the bounds of that experts' Rule 26(a) disclosures, including most recently the Court's determinations regarding the scope of allowable testimony by Dr. Fisher. Defendants urge the Court to disregard Plaintiff's briefing and deny the State's de facto motion for reconsideration.

B. The Court's Rulings Are Correct.

Not only did this Court already rule on the issues addressed in Plaintiff's instant bench brief, those rulings appropriately followed Tenth Circuit precedent to limit the State's experts' opinions at trial to those fairly disclosed in their Rule 26 reports.

In particular, on July 24, 2009, this Court held that "Rule 26(a)(2)(B) requires an expert witness to prepare a report containing 'a complete statement of all opinions to be expressed,'" and that Rule 37(c)(1) barred the State from offering as evidence opinions or matters not so disclosed in the expert's report unless the State demonstrated that the failure to make such disclosures in the timely report was either "substantially justified" or "harmless." (Dkt. No. 2379 at 5 (quoting in part Fed. R. Civ. P. 26(a)(2)(B) and 37(c)(1)).) This Court explained that under controlling Tenth Circuit precedent, "[t]he determination of whether a Rule 26(a) violation is justified or harmless is entrusted to the broad discretion of the district court," but that the Court should consider four factors: "(1) the prejudice or surprise to the party against whom the testimony is offered; (2) the ability of the party to cure the prejudice; (3) the extent to which introducing such testimony would disrupt the trial; and (4) the moving party's bad faith or willfulness." (Id. at 5 (quoting Woodworker's Supply, Inc. v. Principal Mutual Life Insur. Co., 170 F.3d 985, 993 (10th Cir. 1999).) Applying these factors, the Court repeatedly found that under the particular circumstances presented here, the State had not carried its burden to prove that late expert disclosures were justified or harmless. (E.g., id. at 7, 8, 9, 11, 12, 15, 16.)

In addition to omitting reference to this Court's prior rulings, Plaintiff's instant briefing makes no mention of Rule 37(c)(1) or the Tenth Circuit's four factors for determining whether a Rule 26(a) disclosure violation is justified or harmless. (See Dkt. No. 2705.) Instead, the State takes one sentence out of context from a published Tenth Circuit opinion and cites two other

unpublished cases in an effort to write its own purported Tenth Circuit rule. Specifically, Plaintiff represents that "in determining whether a trial court has improperly admitted expert testimony beyond the scope of the expert's report, the Tenth Circuit evaluates the extent to which such testimony caused the opposing party prejudice or surprise." (Id. at 2 (quoting Nalder v. W. Park Hosp., 254 F.3d 1168, 1178 (10th Cir. 2001); see also id. (citing Means v. Letcher, 51 Fed. App'x 281, 284 (10th Cir. 2002), and Goeken v. Wal-Mart Stores, Inc.,2002 WL 1334863, at *2 (D. Kan. May 23, 2002).) What the State fails to mention is that the sentence taken from Nalder is merely the court's conclusion regarding the first nondispositive prong of the Tenth Circuit's multipart analysis. Nalder, 254 F.3d at 1178. The Nalder court proceeded to analyze *all four factors* to determine whether the trial court erred in allowing late-disclosed expert testimony at trial. See id. at 1178-79. To the extent the State's bench brief indicates that the test is merely whether untimely expert testimony amounts to prejudice or surprise, it is an incorrect statement of the law. (See Dkt. No. 2705 at 2.)[3]

The State's invocation of the District of Kansas Goeken decision is no more helpful. (See id.) The trial court in Goeken allowed late-disclosed expert exhibits largely because the resisting party "disingenuously" lead the court to believe it had never seen the data before when in fact the data had featured prominently in the resisting party's cross-examination at the expert's deposition. WL 1334863, at *2. That case does not support the State's request for unfettered expert trial testimony.

Although time and practicality do not permit a case-by-case dissection of all of the State's arguments in urging reconsideration, none of the State's other cases justifies any change

[3] For the same reason, this Court should not accept Plaintiffs' invitation to follow the Eastern District of Pennsylvania's holding that "[a]n expert may testify beyond the scope of his report absent surprise or bad faith." (Dkt. No. 2705 (quoting Bowersfield v. Suzuki Motor Corp., 151 F. Sup. 2d 625, 631 (E.D. Pa. 2001).)

in the Court's rulings here. For example, Plaintiff misplaces its reliance on the District of Columbia Circuit's Muldrow decision. (See Dkt. No. 2705 at 2, 3, and 6.) The analysis in Muldrow touted by Plaintiff differs from the Tenth Circuit's analysis described above. Plaintiff offers no reason why this Court should follow Muldrow rather than the Tenth Circuit precedent, and no reason why this Court should change course in the middle of trial. Specifically, the State emphasizes the statement that Rule 26(a)(2)(B) "contemplates that the expert will supplement, elaborate upon, [and] explain … his report in his oral testimony." (Id. at 3, 6 (quoting Muldrow v. Re-Direct, Inc., 493 F.3d 160, 167 (D.C. Cir. 2007).) However, Muldrow continues by noting that nonetheless, "[u]nder Rule 37(c)(1), if a party fails to disclose the information required by Rule 26(a), its expert may not testify as to that information – 'unless such failure is harmless.'" 493 F.3d at 167 (quoting Fed. R. Civ. P. 37(c)(1)). In that case, the D.C. Circuit determined that the trial court did not abuse its discretion in allowing late-disclosed expert testimony, ostensibly because that trial court determined that the failure to timely disclose was harmless. See id. As discussed above in Section A, in this particular complex litigation, this Court (guided correctly by Tenth Circuit precedent) has already determined that the State's experts cannot "supplement" or "elaborate upon" their expert reports at trial without causing great prejudice to Defendants, and that any such supplementation cannot be justified here given the long period of time in which Plaintiff had to create its expert case. Contra, id.

Finally, in the Tenth Circuit, trial courts are well within their discretion to exclude expert evidence beyond the scope of the Rule 26 disclosures, just as this Court has done here. See, e.g., Kern River Gas Transmission Co. v. 6.17 Acres of Land, 156 Fed. Appx. 96, 103 (10th Cir. 2005) (affirming district court's refusal to admit expert evidence at trial for failing to comply with Rule 26) (unpublished); Jacobsen v. Desert Book Co., 287 F.3d 936, 952 (10th Cir. 2002)

(reversing district court's refusal to strike four incomplete export reports); Cohlmia v. Ardent Health Servs., LLC, 254 F.R.D. 426, 432 (N.D. Okla. 2008) (striking three expert reports for failing to state the basis and reasons for their conclusions); Sw. Stainless, L.P. v. Sappington, 2008 U.S. Dist. LEXIS 31896, at *10-11 (N.D. Okla. 2008), reversed in part on other grounds, 2009 U.S. App. LEXIS 20915 (10th Cir. 2009) (excluding expert testimony at trial for failure to provide expert reports); Palmer, 2007 U.S. Dist. LEXIS 56969, at *19 (refusing to allow plaintiff's expert to supplement report or testify about matters not in his original report); Ingram v. Solkatronic Chem., Inc., 2005 U.S. Dist. LEXIS 38304, at *61 (N.D. Okla. 2005) (striking expert's report for failure to comply with Rule 26); Falconcrest Aviation, L.L.C. v. Bizjet Int'l Sales & Support, Inc., 2006 U.S. Dist. LEXIS 26356, at *12 (N.D. Okla. 2006) (excluding export reports that did not provide sufficient notice of opinions expert intended to offer at trial).

CONCLUSION

For all the above reasons, the Court should reject Plaintiff's request for reconsideration found at Docket No. 2379 and should instead continue to apply its correct analysis for evaluating the permissible scope of an expert witness' trial testimony vis-a-vis the expert's written report.

Dated: October 20, 2009.

Respectfully submitted,

RHODES, HIERONYMUS, JONES,
TUCKER & GABLE, PLLC

BY: /s/ John H. Tucker

JOHN H. TUCKER, OBA #9110
COLIN H. TUCKER, OBA #16325
THERESA NOBLE HILL, OBA #19119
100 W. Fifth Street, Suite 400 (74103-4287)
P.O. Box 21100
Tulsa, Oklahoma 74121-1100
(918) 582-1173
(918) 592-3390 Facsimile

-and-
DELMAR R. EHRICH
BRUCE JONES
KRISANN C. KLEIBACKER LEE
FAEGRE & BENSON LLP
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, Minnesota 55402
(612) 766-7000
(612) 766-1600 Facsimile
ATTORNEYS FOR CARGILL, INC. AND CARGILL TURKEY PRODUCTION LLC

BY: /s/ Michael Bond
(SIGNED BY FILING ATTORNEY WITH PERMISSION)

MICHAEL BOND, AR Bar No. 2003114
ERIN WALKER THOMPSON, AR Bar No. 2005250
DUSTIN DARST, AR Bar No. 2008141
KUTAK ROCK LLP
234 East Millsap Road Suite 400
Fayetteville, AR 72703-4099
Telephone: (479) 973-4200
Facsimile: (479) 973-0007
-and-
STEPHEN L. JANTZEN, OBA No. 16247
PATRICK M. RYAN, OBA No. 7864
PAULA M. BUCHWALD, OBA No. 20464
RYAN, WHALEY & COLDIRON, P.C.
119 N. Robinson
900 Robinson Renaissance
Oklahoma City, OK 73102
Telephone: (405) 239-6040
Facsimile: (405) 239-6766
E-Mail: sjantzen@ryanwhaley.com
-and-
THOMAS C. GREEN
MARK D. HOPSON
TIMOTHY K. WEBSTER
JAY T. JORGENSEN
GORDON D. TODD
CARA R. VIGLUCCI LOPEZ
SIDLEY AUSTIN LLP
1501 K Street, N.W.
Washington, D.C. 20005-1401
Telephone: (202) 736-8000
Facsimile: (202)736-8711
-and-

ERIK J. IVES
SIDLEY AUSTIN LLP
One South Dearborn
Chicago, IL, 60603
Telephone: (312) 853-7067
Facsimile: (312) 853-7036
ATTORNEYS FOR TYSON FOODS, INC.; TYSON POULTRY, INC.; TYSON CHICKEN, INC; AND COBB-VANTRESS, INC.

BY: /s/ A. Scott McDaniel
(SIGNED BY FILING ATTORNEY WITH PERMISSION)
A. SCOTT MCDANIEL, OBA 16460
NICOLE LONGWELL, OBA 18771
PHILIP D. HIXON, OBA 19121
McDaniel, Hixon, Longwell & Acord, PLLC
320 S. Boston Avenue, Suite 700
Tulsa, OK 74103
-and-
SHERRY P. BARTLEY, AR BAR #79009
MITCHELL WILLIAMS, SELIG,
GATES & WOODYARD, PLLC
425 W. Capitol Avenue, Suite 1800
Little Rock, AR 72201
ATTORNEYS FOR PETERSON FARMS, INC.

BY: /s/ Randall E. Rose
(SIGNED BY FILING ATTORNEY WITH PERMISSION)
RANDALL E. ROSE, OBA #7753
GEORGE W. OWENS, ESQ.
OWENS LAW FIRM, P.C.
234 W. 13 Street
Tulsa, OK 74119
-and-
JAMES MARTIN GRAVES, ESQ.
GARY V. WEEKS, ESQ.
WOODY BASSETT, ESQ.
VINCENT O. CHADICK, ESQ.
K.C. DUPPS TUCKER, ESQ.
BASSETT LAW FIRM
POB 3618
Fayetteville, AR 72702-3618
ATTORNEYS FOR GEORGE'S, INC. AND GEORGE'S FARMS, INC.

BY: /s/John R. Elrod
(SIGNED BY FILING ATTORNEY WITH PERMISSION)
JOHN R. ELROD
VICKI BRONSON, OBA #20574
BRUCE WAYNE FREEMAN
CONNER & WINTERS, L.L.P.
100 W. Central Street, Suite 200
Fayetteville, AR 72701
ATTORNEYS FOR SIMMONS FOODS, INC.

BY: /s/ Robert P. Redemann
(SIGNED BY FILING ATTORNEY WITH PERMISSION)
ROBERT P. REDEMANN, OBA #7454
WILLIAM D. PERRINE, OBA #11955
LAWRENCE W. ZERINGUE, ESQ.
DAVID C. SENGER, OBA #18830
GREGORY A. MUEGGENBORG, OBA #7454
PERRINE, MCGIVERN, REDEMANN, REID, BARRY & TAYLOR, P.L.L.C.
Post Office Box 1710
Tulsa, OK 74101-1710
-and-
ROBERT E. SANDERS
STEPHEN WILLIAMS
YOUNG, WILLIAMS, HENDERSON & FUSILIER
Post Office Box 23059
Jackson, MS 39225-3059
ATTORNEYS FOR CAL-MAINE FOODS, INC.

CERTIFICATE OF SERVICE

I certify that on the 20th day of October, 2009, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and a true and correct copy of the foregoing was sent via separate email to the following:

W. A. Drew Edmondson, Attorney General — drew_edmondson@oag.state.ok.us
Kelly Hunter Burch, Assistant Attorney General — kelly_burch@oag.state.ok.us
J. Trevor Hammons, Assistant Attorney General — trevor_hammons@oag.state.ok.us
Daniel Lennington, Assistant Attorney General — Daniel.lennington@oag.ok.gov

Melvin David Riggs — driggs@riggsabney.com
Joseph P. Lennart — jlennart@riggsabney.com
Richard T. Garren — rgarren@riggsabney.com
Sharon K. Weaver — sweaver@riggsabney.com
Robert Allen Nance — rnance@riggsabney.com
Dorothy Sharon Gentry — sgentry@riggsabney.com
David P. Page — dpage@riggsabney.com
Riggs Abney Neal Turpen Orbison & Lewis, P.C.

Louis W. Bullock — lbullock@mkblaw.net
J. Randall Miller — rmiller@mkblaw.net
Miller Keffer & Bullock Pedigo LLC

William H. Narwold — bnarwold@motleyrice.com
Frederick C. Baker — fbaker@motleyrice.com
Lee M. Heath — lheath@motleyrice.com
Elizabeth Claire Xidis — cxidis@motleyrice.com
Fidelma L Fitzpatrick — ffitzpatrick@motleyrice.com
Mathew P. Jasinski — mjasinski@motleyrice.com
Motley Rice LLC
COUNSEL FOR PLAINTIFFS

A. Diane Hammons — diane-hammons@cherokee.org
Attorney General, Cherokee Nation
Sara E. Hill — sara-hill@cherokee.org
COUNSEL FOR INTERVENER, CHEROKEE NATION

R. Thomas Lay — rtl@kiralaw.com
Kerr, Irvine, Rhodes & Ables

Jennifer S. Griffin — jgriffin@lathropgage.com
Lathrop & Gage, L.C.
COUNSEL FOR WILLOW BROOK FOODS, INC.

Michael D. Graves — mgraves@hallestill.com
Dale Kenyon Williams, Jr. — kwilliams@hallestill.com
COUNSEL FOR CERTAIN POULTRY GROWERS

Philard L. Rounds, Jr. PhilardRounds@holdenoklahoma.com
Holden & Carr HM@HOLDENOKLAHOMA.COM
COUNSEL FOR SNAKE CREEK MARINA

s/ John H. Tucker

fb.us.4503095.03